

RECEIVED

FEB 13 2025

AT 8:30 _____
CLERK, U.S. DISTRICT COURT - NEW JERSEY

Law Office of Joseph J. Balliro, Jr.
Balliro & Balliro
300 Salem Street
Wilmington, Massachusetts 01887
(617) 823-2576
joeballirojr@gmail.com

February 10, 2025

Clerk - Civil Business
United States District Court
For the District of New Jersey
Trenton Division
Clarkson S. Fisher Bldg. & US Courthouse
402 East State Street
Rm 2020
Trenton, NJ 08608

***RE: Notice of Removal from Case No. C-14-24 from the New Jersey Superior Chancery
Division - General Equity Part, Ocean County***

Dear Sir/Madam:

Enclosed please find:

1. Notice of Removal with Exhibits.
2. Notice of Pro Se Appearance.
3. Filing fee \$405.00.

I am a member of PACER in Massachusetts. I will make contact with your PACER administrator for future filings.

Sincerely yours,

/s Joseph J. Balliro, Jr.
Joseph J. Balliro, Jr.

Enclosure

cc: By Electronic Transmission:

Jared M. Wichnovitz, Esquire
Thomas DeNoia, Esquire

By U.S. Mail, Postage Prepaid:

New Jersey Superior Court
Chancery Division
General Equity Part
Ocean County

By FedEx overnight

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY - Trenton

RECEIVED

FEB 13 2025

DAVID WHITAKER, * AT 8:30 M
Plaintiff, * CLERK, U.S. DISTRICT COURT - N.J.
*
*
- VS - * C.A. No.:
* (Formerly New Jersey Superior
* Chancery Division - General
* Equity Part - Ocean County
* Docket Number: C-14-24)
*
*
JOSEPH J. BALLIRO, JR. ESQ. *
Third Party Defendant. *

**NOTICE OF REMOVAL OF THIRD PARTY COMPLAINT
BY OUT-OF-STATE THIRD PARTY DEFENDANT/ATTORNEY
JOSEPH J. BALLIRO, JR.
(Assented to by Plaintiff David Whitaker)**

Third Party Defendant Joseph J. Balliro, Jr., Esquire hereby removes Case No. C-14-24 from the New Jersey Superior Chancery Division - General Equity Part, Ocean County, to the United States District Court for the District of New Jersey pursuant to 28 U.S.C. §§1332, 1441, and 1446.

As grounds for removal attorney Balliro states the following:

I. Introduction

1. On or about February 5, 2025, Joseph J. Balliro, Jr., Esquire, an attorney in good standing in the Commonwealth of Massachusetts, among other jurisdictions and nationwide, was served with a third party complaint by defendant Jane Mason and her counsel Thomas DeNoia, Esquire, falsely and maliciously claiming professional malpractice, conspiracy with the Plaintiff David Whitaker, and fraud as general counsel for various companies. (Certificate of Good Standing; Exhibit A)

II. Support Under Jurisdiction Under 28 U.S.C. §1332(A)

a. Diversity

2. Third Party Defendant Joseph J. Balliro, Jr., resides in and has one office in Wilmington, Massachusetts. (See attached Exhibit B)
3. Plaintiff David Whitaker resides in the state of Georgia.
4. Defendant Jane Mason resides and works in the state of New Jersey.
5. Attorney DeNoia works in, is licensed in, resides, and practices law in the state of New Jersey.

b. Joinder

6. The Plaintiff David Whitaker joins and assents to this transfer.

c. Amount in Controversy

7. Defendant Jane Mason has claimed financial deprivation of 8 million dollars.
8. Defendant Jane Mason has purposely and intentionally failed to authorize the payment of legal fees to Joseph J. Balliro, Jr. totaling One Hundred and Forty-Five Thousand Five Hundred (\$145,500.00) dollars despite attorney Balliro's efforts to compromise the debt.
9. Third Party Defendant Joseph J. Balliro, Jr., has been harmed by the failure of Jane Mason to authorize payment of his fees and by the *defamation* associated with her and her counsel's unfounded and malicious claims far in excess of the threshold for jurisdiction in this Court.

III. Procedural Requirements For Removal

10. No Court documents have been served by or on the third party defendant Joseph J. Balliro, Jr., Esquire (other than the third party complaint).

11. Pursuant to 28 U.S.C. §§ 1446(a), and LR 81.1, true and correct copies of the process, pleadings, orders and documents on file in the State Court Action will be filed within 28 days of the filing of this Notice of Removal.
12. Removal is timely in accordance with 28 U.S.C. §§ 1446(b).
13. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a) because the United States District Court for the District of New Jersey is the federal judicial district embracing New Jersey Superior Chancery Division - General Equity Part, Ocean County, where the State Court Action was originally filed.

Conclusion

By this Notice of Removal, third-party defendant Joseph J. Balliro, Jr., Esquire does not waive any objections he may have as to service, jurisdiction or venue, or any other defenses or objections he may have to this action. Third-party defendant Joseph J. Balliro, Jr., Esquire intends no admissions of fact, law, or liability by this Notice and expressly reserves all defenses, motions or pleas, and counterclaims.

Respectfully Submitted,
Third Party Defendant
Joseph J. Balliro, Jr.
Pro Se,

/s Joseph J. Balliro, Jr.
Joseph J. Balliro, Jr., Esquire
Balliro & Balliro
Law Offices of Joseph J. Balliro, Jr.
300 Salem Street
Wilmington, Massachusetts 01887
BBO# 550194
(617) 823-2576
joeballirojr@gmail.com

Date: February 8, 2025

Exhibit A



MAURA S. DOYLE
CLERK

The Commonwealth of Massachusetts
SUPREME JUDICIAL COURT

FOR SUFFOLK COUNTY

JOHN ADAMS COURTHOUSE

ONE PEMBERTON SQUARE, SUITE 1300
BOSTON, MASSACHUSETTS 02108-1707
WWW.SJCCOUNTYCLERK.COM

CASE INFORMATION (617) 557-1100
FACSIMILE (617) 557-1117

ATTORNEY SERVICES (617) 557-1050
FACSIMILE (617) 557-1055

October 18, 2024

Attorney Joseph James Balliro, Jr.
Joseph Balliro
300 Salem Street
Wilmington, MA 01887
joeballirojr@gmail.com

IN RE: CERTIFICATE OF ADMISSION AND GOOD STANDING

Enclosed please find the Certificate of Admission and Good Standing for Commonwealth of Massachusetts Attorney **Joseph James Balliro, Jr.**. The certificate provides certification of the attorney's date of admission and current good standing at the Bar of the Commonwealth of Massachusetts.

If you have any questions or should need further assistance, please do not hesitate to contact the Attorney Services Department at either sjccertsgs@sjc.state.ma.us or 617-557-1050.

Very truly yours,

A handwritten signature in black ink that reads "Maury S. Doyle".

MAURA S. DOYLE
Clerk
Supreme Judicial Court

MSD/ jr
Clearance: 10/18/2024 10.17.2024
Enclosures

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston
within and for said County of Suffolk, on **December 21, 1987**,
said Court being the highest Court of Record in said Commonwealth:

Joseph James Balliro, Jr.

being found duly qualified in that behalf, and having taken and subscribed
the oaths required by law, was admitted to practice as an Attorney, and, by virtue
thereof, as a Counsellor at Law, in any of the Courts of the said Commonwealth:
that said Attorney is at present a member of the Bar, and is in good standing
according to the records of this Court*.

In testimony whereof, I have hereunto set my hand and affixed the

seal of said Court, this **<< eighteenth** day of **October**
in the year of our Lord **two thousand and twenty-four**.



A blue ink signature of Maura S. Doyle, Clerk.

MAURA S. DOYLE, Clerk

* Records of private discipline, if any, such as a private reprimand imposed by the Board of Bar Overseers or by any court, are not covered by this certification. X3116.

Exhibit B

**Massachusetts Board of Bar Overseers
Of the Supreme Judicial Court**

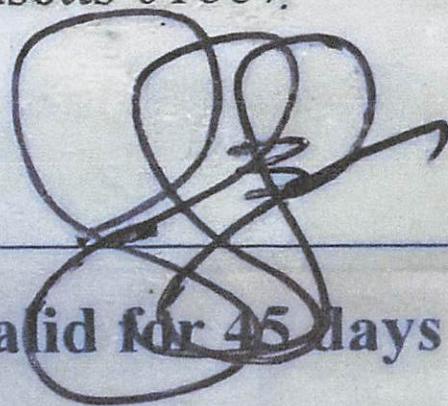
Admittance Date: 12/21/1987

Expiration: 09/01/2025

BBO #: 550194

Joseph James Balliro Jr
Law Offices of Joseph J. Balliro, Jr.
300 Salem Street
Wilmington, Massachusetts 01887.

Signature:



Certificate valid for 45 days after expiration date.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY - Trenton

DAVID WHITAKER, Plaintiff,	*
	*
	*
- vs -	*
	*
JANE MASON, Defendant/Third Party Plaintiff	C.A. No.: (Formerly New Jersey Superior Chancery Division - General Equity Part - Ocean County Docket Number: C-14-24)
	*
	*
- vs -	*
	*
JOSEPH J. BALLIRO, JR. ESQ. Third Party Defendant.	*
	*
	*

NOTICE OF PRO SE APPEARANCE

Joseph J. Balliro, Jr. hereby gives notice of his appearance pro se in the above captioned matter.

Respectfully Submitted,
Third Party Defendant
Joseph J. Balliro, Jr.
Pro Se,

/s Joseph J. Balliro, Jr.
Joseph J. Balliro, Jr., Esquire
Balliro & Balliro
Law Offices of Joseph J. Balliro, Jr.
300 Salem Street
Wilmington, Massachusetts 01887
BBO# 550194
(617) 823-2576
joeballirojr@gmail.com

Date: February 8, 2025

JS 44 (Rev. 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS David Whitaker FEB 13 2023</p> <p>(b) AT 8:30 M County of Residence of First Listed Plaintiff _____ <u>State of Georgia</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) Jared M. Winchnovitz, 50 Harrison St., Ste 206, Hoboken, NJ 07030 (732) 765-2157</p>		<p>DEFENDANTS Jane Mason</p> <p>County of Residence of First Listed Defendant _____ Ocean (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known) Thomas DeNoia, 501 Main St., Toms River, NJ 08753, (732) 341-1030</p>																									
II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><input type="checkbox"/> 1 U.S. Government Plaintiff</td> <td style="width: 50%;"><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</td> </tr> <tr> <td><input type="checkbox"/> 2 U.S. Government Defendant</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</td> </tr> </table>		<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Citizen of This State</td> <td style="width: 50%; text-align: center;">PTF <input type="checkbox"/> 1 DEF <input checked="" type="checkbox"/> 1</td> <td style="width: 50%; text-align: center;">Incorporated or Principal Place of Business In This State</td> <td style="width: 50%; text-align: center;">PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;">Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;">Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		Citizen of This State	PTF <input type="checkbox"/> 1 DEF <input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4	Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6				
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V. ORIGIN (Place an "X" in One Box Only)																											
<input type="checkbox"/> 1 Original Proceeding <input checked="" type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from Another District <input type="checkbox"/> 6 Multidistrict Litigation - Transfer <input type="checkbox"/> 8 Multidistrict Litigation - Direct File																											
VI. CAUSE OF ACTION		Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C s. 1332; 1441; 1446																									
Brief description of cause: 3rd Party Complaint for Malpractice, Fraud, Conspiracy																											
VII. REQUESTED IN COMPLAINT:		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	DEMAND \$ 8 Million	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																							
VIII. RELATED CASE(S) IF ANY		(See instructions): JUDGE _____		DOCKET NUMBER _____																							
DATE	SIGNATURE OF ATTORNEY OF RECORD																										
02/08/2025	3rd Party defendant acting pro se /s Joseph J. Balliro, Jr., Esquire, Mass BBO#550194																										
FOR OFFICE USE ONLY																											
RECEIPT #	AMOUNT	APPLYING IFFP	JUDGE	MAG. JUDGE																							